



# **Democratic Socialist Federation**

## **Dunoon Unit Report**

### **The Postal Ballot at the Scottish Independence Referendum**

## **ACKNOWLEDGEMENTS**

- Front page image <http://m.bbc.co.uk/news/uk-scotland-scotland-politics-29231440>
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## **Introduction**

Some of us took part in the Argyll & Bute area count in the evening and night of the 18-19<sup>th</sup> September 2014. I was the agent for Labour for Independence (Lfi) at that count with six other Lfi volunteers and we spent the night at the count in Lochgilphead. This was a valuable experience and gave us a good insight into how the electoral system operates in Scotland.

We in Scotland have a great historical and cultural heritage from our ancestors, and the 'jewel in the crown' of that heritage is the democratic principles and institutions passed down to us. We therefore have a duty and a firm responsibility to preserve our democratic heritage, nurture it, and pass it on to our children and grandchildren in, at least, as healthy a condition as it was when we had it passed down to us.

Our observations during the Referendum campaign and the count raised a number of concerns in our minds about the security of our democratic institutions and got us thinking about this in a serious way. We made some efforts following the Referendum to investigate the issues we were concerned about and to seek help from the established 'guardians' of our electoral system, such as the Electoral Management Board (EMB). We soon discovered that if the EMB had any concerns they were making an effort to suppress such concerns and were anxious that others, such as ourselves, should do the same.

We were not however dissuaded from looking for answers to the issues which concerned us and we kept seeking information. The Electoral Commission Report in late December gave us some further information. However all the information we gained since the Referendum did not resolve our concerns; on the contrary it confirmed them. We are now convinced that the Postal Ballot (PB) at the Scottish Referendum was compromised by a UK Government agency, and consequently that the ballot result is not democratically valid.

## **Our Initial Concerns**

Our initial concerns arose out of our experience on the night of the Referendum count. As I have said there were 7 of us at the Argyll & Bute count. We had all been active in the very long campaign in Argyll so we had some considerable experience before the count started. We had also been involved in door to door canvassing and had knowledge of the canvass across Argyll & Bute so we were interested to see from the actual count, if our canvass assessments had been right. We were confident of success before the count and felt sure that a high turnout would be to our advantage.

Our knowledge of the extensive canvassing carried out by the Yes Campaign in Argyll meant that we had views on how the various geographic areas would be likely to vote, and our canvassing had been mainly, although not entirely, in the more urban areas.

Our first big surprise of the night, which hit us like a sledgehammer, was the early opening of PB boxes. The count was organised on the basis of a number of small counts so that we would be able to make progress on the bulk of the counting while still waiting for ballot boxes from remote

islands to get to the count centre. This meant that the PB boxes, which were in Lochgilphead, were opened early with the local boxes from the Lochgilphead area.

We were astounded to find that the PB boxes were virtually all a high majority of 'No' votes, quite distinctly so, probably 70-30% for No. Now we expected a 'Yes' majority but we expected a relatively small majority 53-47% or something of that nature. So this early massive 'No' majority within the first hour of the count, gave us the impression that our extensive canvass returns were 'worthless'.

Later on in the night, when all the postal votes had gone, the pattern which we expected from our canvass began to emerge. Polling stations in Dunoon, Campbelltown, Rosneath and Oban all showed a 'Yes' majority, Helensburgh showed a 'No' majority; but this also was predicted from our canvass.

We recognised that our canvass was fairly accurate, but we could not understand the postal vote. Of course the postal vote was on an Argyll & Bute wide basis while our canvass returns had been on a district by district basis. However on our canvass we had talked to many people with postal votes as well as those who were voting at the polling station and we had not observed a distinct difference in voting intentions.

Our second big surprise of the night was when we heard the turnout. The PB turnout had been a staggering 96.4% which had pushed the overall turnout up to 88.2%

So we came away from the count with 4 questions on our minds:

- (1) Why had there been such a difference between the postal voters and those who voted at the polling stations?
- (2) Why had the Postal vote had such a massive turnout 96.4%?
- (3) If the No campaign had been so motivated in Argyll why had we seen no sign of that during the campaign?
- (4) Could the postal vote have been 'tampered with' in some way?

### **19<sup>th</sup> September**

I have to say point 4 above did not figure very much in our thinking initially. We did not think that there was any way that anyone could compromise the PB to any great extent. We thought the security systems in operation would be very effective in stopping anyone from being able to abuse the PB system, unless they had massive co-operation from Ballot staff and officials, which we rejected out of hand. We just could not accept that anyone could get such co-operation. So although we thought the PB could have been abused; we could see no way that such a thing was possible.

### **No BBC Exit Poll?**

However, by lunch-time on Friday 19<sup>th</sup> of September we heard the news of the election coverage from the night before, which of course we had not seen as we had been in Lochgilphead. The first thing that struck us was that there had been no BBC Exit Poll. I have never known an election in the UK before when there was no BBC Exit Poll. Election reports with politicians sitting in the studio with nothing to talk about until a result comes in, need an Exit Poll. These usually get the discussion going and tend to be quite accurate.

### **Inside Knowledge From UK Establishment Figures**

We were therefore surprised that there had been no Exit Poll. This gap however in the programme had apparently been filled by Ms Ruth Davidson, the leader of the Tory Party in Scotland, telling people that the PB votes, which had yet to be counted, were strongly supporting the 'No' camp and giving some explanation as to how she knew that.

We were of course astonished to hear that, because we knew that it was true, or at least, we knew it was true in Argyll & Bute count area, where we had seen these boxes opened. But how did she know about this before the boxes were opened for the count? She gave an explanation about Tory supporters 'sampling' the ballot papers while the PB returns were being checked for validity. This would have been illegal and those doing this would have been committing a criminal offence and in addition, it would not have been practical to any significant extent. So we knew that her story was nonsense.

We then discovered that Mr John McTernan, ex-advisor to a UK Prime Minister had also made public predictions about the contents of the PB boxes on the 14<sup>th</sup> of September, 4 days before the boxes were opened for counting and while the ballot was still open. Well this was interesting. Again, what McTernan is reported to have said, needs our consideration. He allegedly claimed that even if the 'Yes' vote had been ahead when the postal vote opened, that the postal vote was moving heavily towards 'No', and went on to say that while the PB was only numerically around one fifth of the total ballot it was going to be very high and could form around one quarter of the count.

Now is that not a remarkable 'prediction'? Particularly now that we can see from the actual figures that it was correct. McTernan did not say where his remarkable information came from, but clearly people who could supply him with that information at that time, were involved in criminal activity designed to undermine Scotland's democratic institutions. Does this give us any ideas of who gave McTernan his information? Given his experience at No 10 he would undoubtedly have had good MI5 contacts. We subsequently discovered that Susan Dalgety, a Labour spin-doctor, appointed by Jim Murphy, an associate of John McTernan, had also been making public announcements about the contents of the PB, before the boxes were opened.

When we saw that people in high places in the UK establishment were prepared to treat Scottish values and Scottish law with utter contempt and that they appeared to have information which addressed some of the issues we were concerned with, we decided to give this matter more attention and to look for the objective facts.

### **Information From Electoral Management Board**

We wanted to know, first of all, if the experience we had with the PB in Argyll & Bute was a one off, or if it was typical of the whole of Scotland. So we went to the EMB web-site to check on the PB turnout figures. To our surprise there was no record of the PB turnout on their web-site. We had recorded a figure of 96.4% as the turnout for the PB in Argyll & Bute so we assumed that these figures would have been given out at every count and would be recorded in the EMB report of the ballot.

Since we noted that the EMB report of the ballot figures did not contain a figure for the PB turnout at each count, but only an overall turnout figure, we felt that there was a need to find out what these figures were. We were not even sure that the figure we had recorded for the Argyll & Bute count was accurate, we had recorded them from an oral report given at the count after a long and tiring night, we could have got it wrong.

If however we had got it right, it was a remarkable figure, and surely not one to be ignored, or forgotten about. A return of 96.4% of the electorate in any ballot is not a common experience, indeed we had never before heard of such a high return in any democratic election anywhere in the world (other than perhaps North Korea whose figures we thought might be suspect). So if we had recorded this correctly, Argyll & Bute had smashed a world record on turnout in the PB at the Referendum.

We discussed this. Some of the others had also recorded the same high figure for PB turnout, so we thought we needed to check this out with the official figures and to see if this high PB turnout was just in Argyll or if it had happened elsewhere in Scotland. So we wrote formally to Mary Pitcaithly, the Convener of EMB and asked for the figures.

Our first letter to the EMB was ignored, indeed we had to write to them three times, and send a copy to the First Minister, before we got a full response. After our third letter seeking this information, which we had sent to the First Minister for assistance, I got a 'phone call that evening from Mr Chris Highcock, the Deputy Counting Officer informing me that the figures we had requested had been sent to us by e-mail. These figures confirmed that our recording of the turnout at Argyll & Bute had been accurate, and in addition, that four other counts in Scotland had recorded 96% turnout for PB, or above. These remarkable 'world record' turnouts have not been celebrated in Scotland; on the contrary they have been hidden away. Why should that be?

### **EMB Claim Nothing Unusual About Turnout**

The EMB told us that there was nothing 'unusual' about the high PB turnout. They indeed claimed that PBs in Scotland usually had a high turnout. We were interested in that and asked them for some evidence of this. They claimed that PB returns in Scotland were usually above 80%. So we looked for evidence for this.

We were unable to find any evidence for this at all, anywhere in Scotland, indeed all our searching revealed that high postal voting was relatively new in Scotland and had not been separately



counted until this Referendum so there was no historical precedence we could draw on. So where did the EMB get their "over 80%" figure, we asked them several times but they would not answer.

The truth is there is no historical evidence for the EMB's assertion.

#### Real Historical Evidence on Turnout

We did our own checks: in the belief that if there had been a sudden burst of enthusiasm which had 'wiped out' voter apathy in Argyll, we felt that such a major phenomenon could not have happened suddenly and in isolation. If there had been a public build-up to this destruction of voter apathy, surely it would have registered to some degree immediately before or after the event, so we looked for such evidence in Argyll.

We were fortunate because we did find something of interest to help us measure actual voter apathy accurately in Argyll around the time of the Referendum. It just so happened that there was a local Government By-Election in Oban North & Lorn ward in Argyll on the 17<sup>th</sup> of July just two months before the Referendum. Unfortunately the elected councillor died shortly after the election. This meant that another election had to be held in the same ward on the 23<sup>rd</sup> of October, just over a month after the Referendum. So assuming that this ward is fairly typical of the rest of Argyll, and allowing for the usual lower participation for Local Government elections, than for National elections. We have the following interesting statistics: By-election 17<sup>th</sup> July turnout 30.88%; Referendum 18<sup>th</sup> September PB turnout 96.4%; By-election 23<sup>rd</sup> October turnout 30.07%, to which we can add, General Election May 2010 turnout 63.8%



We found nothing there to justify the EMB's figure of 'over 80%' usual figure and certainly nothing to justify or explain the 96.4% figure. Rabbie Burns told us that "*facts are cheils that winna ding*" that (facts are lads who will never surrender), so if we stand with the facts we stand on secure ground.

The available evidence shows that this claim that there was a spectacular world record 96.4% turnout in the PB in Argyll and similar spectacular results in the PB all over Scotland, needs to be carefully assessed, before it can be accepted as a fact. The EMB want us to believe, that there are historical grounds for accepting this at face value, but are quite unable to show this. This indeed appears to have no objective foundation.

### **The Electoral Commission Report**

We were hoping that the Electoral Commissioner's report would answer most of our question. It did give us a lot more information, but, unfortunately it did not address our main concerns.

Let's start with the fact that three well known UK political establishment figures, displaying open contempt for the law, publicly claimed to have knowledge of the contents of the PB before these boxes were opened and made other revealing statements about the PB which subsequently turned out to be true.

The Commissioner fails to address this directly in his report, in four short paragraphs near the end of his report (pages 141/2) he addresses an issue, which arose from this matter, but does not address the matter itself. His report refers to the claim that people "*had 'sampled' votes at Postal Vote opening sessions*".

He does not say that this 'claim' came from the Leader of the Scottish Conservative Party but does point out that "*the Commission is unaware of any such allegation having been made by any person who was present at a postal vote opening session*" He goes on to set-out that such an act would have been illegal and all such participants would have been advised of this. He closes this section of his report by the statement "*This matter is still under investigation by the police at the time of writing and therefore it would not be appropriate for the commission to comment further*".

Well, it must be the first time that the Commissioner has had to close a section of a ballot report in the UK with that comment. He can't address further an important matter relating to the ballot because the police are still investigating it, weeks after the event.

His approach however to this, is to address the symptom, not the disease. Ms Davidson, Susan Dalgety and John McTernan all claimed publicly to having had prior knowledge of the contents of un-opened ballot boxes. If there is any truth in this, then our ballot security system has a problem. That is the core issue; but that core issue is not even addressed by the Commissioner in his report.

Are we to take it that he believes that these three UK establishment figures were just lying to the BBC and that they had no such knowledge? He does not say so, indeed he address a most



improbable way that such information could have been gathered. So does he believe that they did have this knowledge? If so how does he think they got it?

We believe that they had knowledge of the main contents of the PB and from the points made by John McTernan it would appear that they had knowledge of more than that. If you study what

McTernan allegedly claimed, it is more like a plan of action than a prediction. "If the PB can become a quarter of the count instead of a fifth", how was that to be achieved and who was going to achieve it?

Important questions, but ignored by the Commissioner.

### The Facts Which Can't Be Covered Up

Let's take the strategy which John McTernan outlines and see what implication it would have had on the overall outcome of the ballot had it been implemented, using only actual figures from the ballot published by the EMB or the commissioner.

If you wanted to make the PB move from being a fifth to a quarter of the count overall in Scotland you would have quite a job to do. If we leave to one side, for the moment, that you would need to be able to post ballot papers, there is an even bigger problem. The registration of postal voters is not at a 20% level all over Scotland. It averages in fact only 18.60% on a Scottish basis, but that ranges from 13.55% in some count areas to 25.20% in others. If you have a plan to secure a strong No vote based on increasing the PB overall to a quarter of the count, then you have to address this.

The remarkable thing we have discovered is that this task was virtually achieved. Even against a high vote at the polling stations, the PB was pushed up to record turnout levels and a massive No vote was inserted into it, ensuring an overall No vote majority at the Referendum. But how was this achieved?

We, who saw the PB boxes opened at the count, know that they were heavily biased towards the No vote, but where is the objective evidence for that now, when all these papers have been mixed up? Does such objective evidence still exist?

Strangely enough such objective evidence does still exist, as Burns told us, "these facts have not surrendered, they are still standing proudly and available for investigation".

Take a look at these tables and charts: it lists all the count areas, but it puts those with the lowest registered postal votes at the top and those with the highest at the bottom, it shows the percentage PB and the percentage PB turnout (in red) and it is divided into 4 groups below:

1<sup>st</sup> GROUP

Count Area	PS % Invalid	PS % Turnout	Total Votes	Yes	No	Count Area	PS % Invalid	PS % Turnout	Total Votes	Yes	No
North Lanarkshire	11.55	93.2	220883	115743	105140	Scottish Borders	15.65	95.2	82528	27996	54532
West Dumbarton	14.36	95.6	62517	33720	28796	Stirling	15.79	96.2	62226	29200	33026
Falkirk	11.81	93.2	138626	50480	88146	Shetland	15.15	93.2	15635	5689	9946
Clackmannanshire	14.81	96.9	35438	16000	19438	East Ayrshire	15.48	95.2	84362	18762	65600
Glasgow	11.43	94.7	356564	196179	160385	North Ayrshire	15.99	93.5	36179	63212	68967
South Lanarkshire	13.55	94	222927	100990	121937	East Dumbarton	11.33	95.6	79051	36224	42827
						Angus	15.15	94.2	30302	35044	45258
						Dundee	15.64	92.1	33561	13620	20041
						Fife	15.79	94.6	29462	11408	18054
1 <sup>st</sup> GROUP TOTAL			989343	512513	476830	2 <sup>nd</sup> GROUP TOTAL			348888	178816	420072

4200 YES MAJORITY

30688 NO MAJORITY

3<sup>rd</sup> GROUP

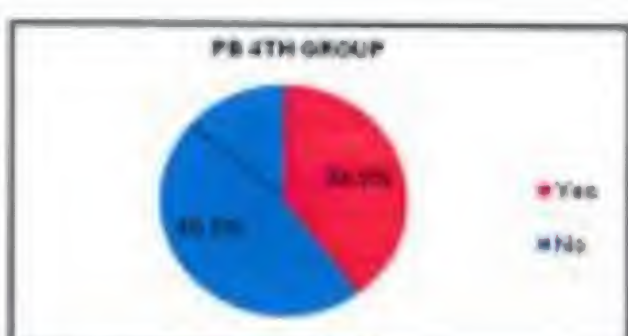
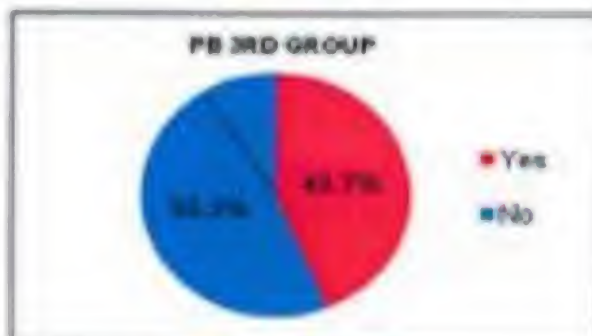
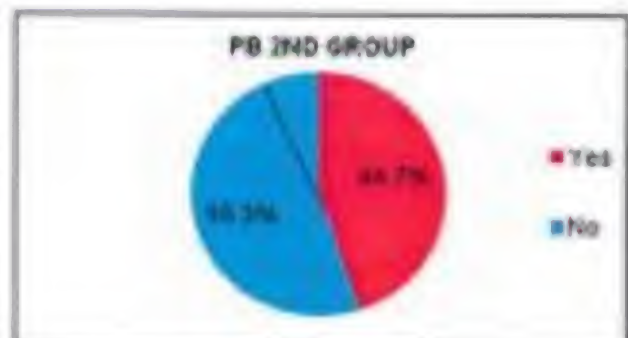
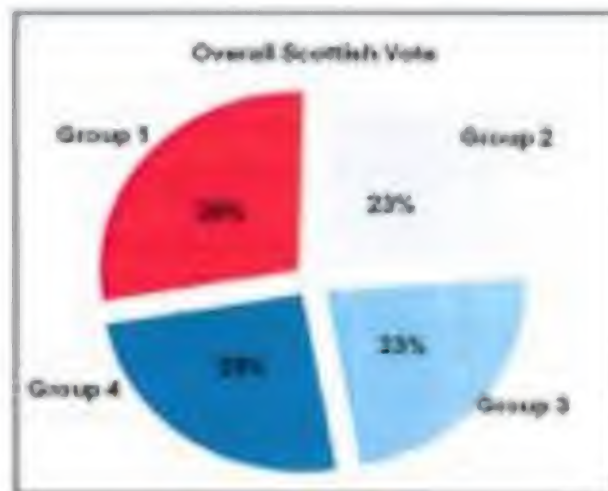
Count Area	PS % Invalid	PS % Turnout	Total Votes	Yes	No	Count Area	PS % Invalid	PS % Turnout	Total Votes	Yes	No
West Lothian	15.78	94.1	115015	52340	62675	Edinburgh	21.97	95.2	179025	121621	57404
Perth & Kinross	15.11	95.1	304385	41075	83714	Comhairle R & B Bar	11.87	94.9	18758	9095	10663
Midlothian	15.07	94.1	80895	28378	52517	East Northamptonshire	12.94	96.2	66023	24281	41742
Angus & Burs	28.94	96.4	62316	26214	36102	Levenshaye	15.45	94.9	54900	21240	33660
East Lothian	16.27	96.1	73798	27467	46331	Aberdeenshire	22.67	95.4	180045	71007	109038
Highland	20.39	95.7	165076	78864	86212	Dumfries & Galloway	12.71	96.9	106775	36814	70061
Moray	21.2	96.4	64305	27532	36773	Aberdeen City	23.6	93.5	143864	58080	85784
South Ayrshire	16.41	95.2	81718	24402	57316	Orkney	25.2	95.2	14867	4881	10004
Northamptonshire	11.63	94.6	117612	55968	61644						
3 <sup>rd</sup> GROUP TOTAL			648618	336047	412571	4 <sup>th</sup> GROUP TOTAL			834796	346876	487920

187234 NO MAJORITY

290668 NO MAJORITY

GRAND TOTALS	TOTAL VOTES	3623944	YES VOTES	1617989	NO VOTES	2005955	SPOILED PAPERS	3429
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From this a clear pattern emerges: Where the PB is a relatively small part of the overall total the No vote is contained; indeed in the first and largest group a Yes vote is in the majority, but as the level of the PB rises, so the No vote rises with it and takes a stronger and stronger lead.

This clearly demonstrates that the PB is much more biased towards No than the polling stations vote. That's why an exit poll could not be allowed as it would have shown this in stark contrast. So we can now see that McTernan was right, this was the strategy and it worked fine for those who employed it and who informed McTernan. This was however an aggressive, underhand and criminal attack on our democracy and on our entire community treating Scotland with contempt.

#### How The Postal Ballot Was Rigged

The only way the above 'McTernan' plan could have worked is if a UK Government Agency such as MI5 carried it out. You or I, or any political party, could not have done this, but for MI5 it was child's play. Of course, this means accepting that senior politicians in the UK who control MI5 were

prepared to treat Scotland's democratic institutions with utter contempt and act behind our backs in this despicable way. Yes we think that is entirely possible where the stakes are high enough.

So how was it done? MI5 have access to Government and Local Government computer files (as well as many others) Therefore when the process began on the 26<sup>th</sup> to the 28<sup>th</sup> of August the 'main' PB papers were sent out. MI5 would have had the computer file records of that.

After a few days each count area would have arranged PB Opening Sessions, not to count the votes, but to check the validity of the papers returned. These would all have been checked and recorded (on computer) So after the first 10 days the local count areas (and MI5) would have a list of those who had voted so far, and therefore those who hadn't.

On the 4<sup>th</sup> of September a second posting of PB papers were sent out, these were all the late additions and would be highly likely to vote so they would be of less interest to MI5, however following this posting there would be another three days of PB Opening sessions, and again records updated and recorded (on computer).

With still a week to go before polling day, the computers would contain a record of virtually everyone who was going to vote in the PB from the 'main' list. This would be known by MI5 in London without the help or involvement of one single official in Scotland.

Now the McTernan plan can be implemented. Each count area can be examined to see what the PB registration is and what the calculated turnout is with 90% of it known. If it is the normal high turnout for Argyll (63% last GE) or perhaps slightly higher, MI5 can calculate how many additional PB papers it can produce to put through the system. In Argyll with a high PB registration it might be possible to go over the national target and go for 30% or above of the count to compensate for areas where they can't be so successful because of low registration.

The rest is easy. Again there is no requirement for any assistance from any ballot official in Scotland. MI5 can produce the required number of ballot papers, of the right paper with the right Local Authority stamp, with the correct number, name, address and date of birth. They can even produce the correct signature from the computer image which will pass through the Local Authority checking computer. All they need to do then is to get their own staff to deliver the papers to the correct post boxes in the correct areas of Scotland in a sensitive way and bingo, the job is done.

The Prime Minister can be informed that the objective has been achieved and McTernan can be tipped off in time for him to appear on the BBC, 4 days before the ballot boxes are opened and tell us which way the postal vote is going. Ruth Davidson probably had no idea why the Prime Minister was so confident that the postal vote was strongly No, but she knew that he was. When she could not contain herself and blurted out her confidence in front of the BBC cameras, she had to struggle to explain how she had this information and came up with her ridiculous story which accused her own party supporters of criminal acts.

This is a much more obvious explanation for what happened than any other view, particularly the official one.

### **Can We Prove This?**

Well that depends what we mean by proof. We think we can show that the official version of events is not only unlikely; but is not possible. So we can 'disprove' the official version. We believe we can answer many questions arising from the ballot, which many people in Scotland still have; questions, which have never properly been addressed by the authorities. We also feel that we can show, beyond reasonable doubt, a good explanation for what happened at the Referendum and help the police with the issues they want to address. It might not be comfortable, it might not even be safe for people like us, but it is entirely possible and demands at least investigation.

Our objective in this report is to demand that these issues around the PB are investigated, or at the very least altered so that the PB can't be abused in this way again. To ignore this is to invite corruption in our democratic institutions.

### **How to Disprove the Official Report**

The official report claims that 5 count areas in Scotland had a PB with a turnout of 96% or over. That is a world record turnout. Strangely however, the EMB has not made these figures widely available and certainly do not want to celebrate this victory over voter apathy in Scotland.

However, if it can be shown that these figures are not accurate, it is possible to disprove the ballot report. If we find for example that 3.7% of those registered for a PB in Argyll & Bute could not, or did not vote, then it is clear that the official report can only be correct if 0.1% of the ballot papers which went through the security system were fakes.

This of course holds for each of the count areas, all need to be valid or the ballot result is invalid. It's as simple as that. If the official report is factual this is not a problem, as Burns says "*the 'facts' will hold their ground against any examination*"; but if it is not factual then the validity of the official account will collapse.

### **Argyll & Bute Postal Ballot Register**

So we decided to examine the Argyll & Bute figures and started with the actual number on the PB register which we understand was **14,409**. If therefore we can show that **527** voters from that register could not, or did not use his/her vote, then the official record **must** be wrong.

Now we know that the 'main' block of the PB register was a year older than the register used at the polling station, because the overall register was renewed on the 1st of September and the 'main' PB papers were posted out before that, on the 26<sup>th</sup> to the 28<sup>th</sup> of August. So they came from the old register.

Every register of course is 'out of date' on the day it is published because life goes on, people die, move house etcetera; however the older the register, the more out of date it becomes.

### **Reasons for Non-Voting - Death**

For a register which is a year old, this means that those who have died and have not been yet removed from the register will appear as non voters against a 100% turnout, therefore they will



constitute part of our 3.7%. So how many was that in Argyll? We have asked the EMB this question but this has been ignored, so let us do our own sums from public records.

We know from public records that in 2012 there were 1,093 deaths registered in Argyll & Bute, and 1,001, in 2013 so it would be reasonable to assess that the yearly figure for 2014 would be around 1,000. The question is how many of these were on the PB register when they died.

We know that over 20% of the electorate were on the PB register in A&B so that would give us 200. We also know that a greater proportion of the deaths would be among the elderly and immobile. This means that it is very likely that the number of those who died, that were on the PB register, would be above average, so let us settle for a conservative figure of 250.

We are aware that in developing the 'rolling register', concept steps are being made to change the registration process so that it responds quicker to changes such as death rates and that progress has been made in that regard recently. Such changes are never 100% effective even when complete, at least at the beginning, but let us assume that the changes made already have improved the registrations system by 50% and take this into account.

That would mean that 125 deaths would still be on the register at the time of the ballot. That means **125** people on the register who could not vote.

### **Moving Away**

Another area of interest is of course the number of people who are registered to vote but leave the area before the election comes round. In Argyll & Bute the average movement of population, coming and going over recent years has been nearly the same, with 3,817 per year leaving while 3,830 came in. So that over time, this population movement, has made little difference.

However in the short term, particularly in the year before an election it can make a significant difference, because it is not the people who leave who notify the authority that the register has to be adjusted, it is the people who arrive. Therefore outwith the yearly up-date of the register the changes to the 'rolling' register will be additions rather than subtractions.

Therefore, if some 3,817 left Argyll & Bute in the year between the register up-date and the election, the question we need to ask is how many of these would have been on the PB register? We could take the percentage of the electorate who are registered for a PB, but that would not be accurate since it would include children and other not voters and also because it would tend to be younger voters who are less likely to be on the PB register. If we reduce this annual figure to 2,500 and assume that only 10% of them were on the PB register that gives us another **250** people who could not vote.

### **In Prison**

Another reason why people may not be able to vote is if they are in prison at the time of the ballot. So anyone who was registered for a PB in Argyll & Bute, but was in prison during late August to late September, would not have been able to vote. So how many could that involve? According to Howard league Scotland there were 92 persons from A&B in prison in May 2014 so

again the PB % of that would be around 18 if we assume that a much smaller proportion of these people would be registered for a PB we can reduce this to around 6

### **Dementia**

This is the most significant factor which would have affected people's ability to vote, and again it would have been reflected above average on the people registered for the PB.

In 2014 1,893 people in Argyll & Bute were registered as having dementia, this figure would have been added to in 2014 (full figures not available yet but are increasing slightly year on year), so if we take this figure we will again be taking a conservative figure.

Now some of this figure we will have counted amongst the deaths we have registered so in order to ensure we do not do that, let's reduce the total by 125 and look at a figure of 1,768.

Again there would be more than average of the electorate in this category who are on the PB register let's say 25%. This gives us a figure of 402, now this figure does not include new additions in 2014, so it represents all people established with dementia for over a year and we have deducted those who died, so some 80% of these people are not able to vote i.e. 362.

### **That means we have a grand total of 743 people on the PB register who could not vote**

This of course means that even if every single person on the PB register, who could vote, did so; then we still have more ballot papers accepted than is possible. We know of course that the assumption that everyone who could have voted did, is entirely unrealistic and this is demonstrated in our next section where we found in a small sample 20% PB non voters recorded on the marked register. So in Argyll & Bute we can say without contradiction that the official recording of the PB must mean that many of the ballot papers counted could not have been genuine ballot papers but were fakes. How many of these there were, and who put them there we do not know, but John McTernan helps us to see how it could have been done.

### **An Examination of Argyll & Bute Marked Registers**

In addition to the above, we got involved in an examination of the marked registers in Argyll & Bute so we will give you a full report on this.

Mr Alistair MacKinnon was an independent observer in the Referendum count at Argyll & Bute and unbeknown to us he sought, and eventually got, permission to inspect the Marked Registers at Argyll & Bute under supervision.

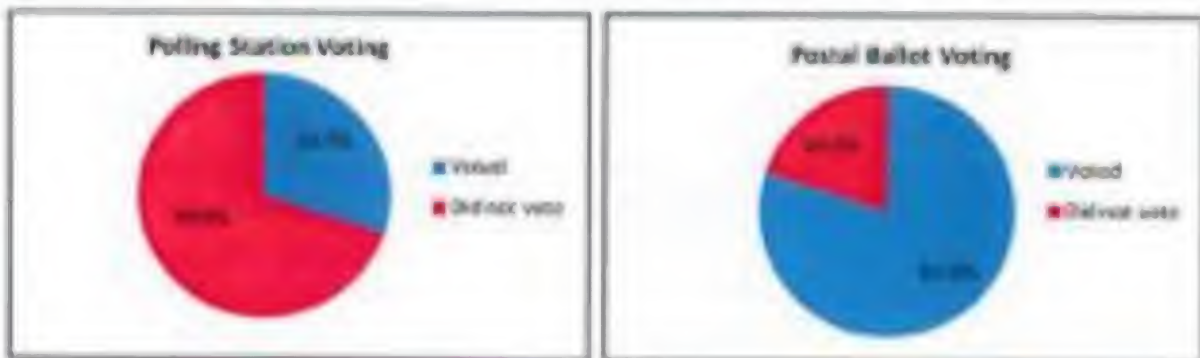
Alistair heard that we were very interested in the ballot, particularly the PB, so he offered to work with us in examining the marked registers. We therefore took advantage of this opportunity and with Alistair's assistance we undertook a small study.

The study was as follows: We knew that the suggestion that everyone who was registered to vote had done so was unlikely. So having access to the real data we were determined to do a sample test. We wanted to find out what percentage of non voters there had actually been from both the polling station vote and from the postal vote. We also wanted to compare these two.

We then asked local people to identify for us people they knew whom they felt were unlikely to have voted at the Referendum for whatever reason. We got quite a few names and addresses of local people given to us on that basis. What we then did was to select 20 of these from the main polling station register and 20 from the PB register.

We had been invited to Argyll & Bute Council HQ on Thursday 12<sup>th</sup> Feb and went down to do this. We were informed that we could check the main register but the PB register was not available for us to check. They said they did not know that we wanted to check the PB register and they did not have that available. After discussion it was agreed that if we came the following week this register could also be made available for us. So we rearranged our visit.

On Friday the 20<sup>th</sup> of February we visited Argyll & Bute HQ again and got access, under supervision, to both registers, which enabled us to complete our work. Our findings again illustrated, that of our 20 polling station voters where we expected a low turnout, 6 voted and 14 did not vote, i.e. 30% voted 70% did not vote. With those on the PB register, the situation was dramatically different. 4 were registered as having not voted while 16 were recorded as having voted i.e. 80% voted and only 20% not voted. Is that not strange and interesting?



#### Does this have Scotland Wide Implications?

Well of course it does. Argyll & Bute was not alone in having this huge PB turnout. There are 4 other areas with a turnout of 96% or above. If any of these areas have fake ballot papers in their count like A&B, as seems highly likely, then the abuse of the PB system was widespread in Scotland.

What is also obvious is that this abuse was not done on a piecemeal basis by amateurs it was done in order to a plan, such as the 'McTernan' plan, by people who had access to Local Authority secret computer files and who worked professionally and secretly.

#### What is To Be Done?

We believe that the present arrangements for postal balloting in Scotland are unreliable and this has to be addressed now, before the system is used again.

We maintain that there must be an investigation into our claim of ballot rigging, because if we are right it undermines our democratic institutions, and if we are wrong and this can be demonstrated

clearly, then it strengthens them. So the outcome of such an investigation is beneficial whatever the findings are.

We also believe that the politicians who claimed to have knowledge of the PB before it was opened, can't just be ignored. This issue must be addressed. These are people with some standing in UK politics and they were making extraordinary claims.

It may be that we are so used to politicians making 'extraordinary claims' or bare faced lying, that we have come to accept this as 'normal'; but this surely is beyond the normal.

McTernan publicly explained what could become a whole plan for ballot rigging and the figurers seem to suggest that such a plan was implemented. Ruth Davidson, who was equally confident, but perhaps less informed, accused her own party supporters of being involved in criminal acts. The fact that her story is not credible, does not address the question of where her confidence, that the postal vote was strongly supportive of the No camp, came from?

Ms Davidson must tell us the truth. She is a member of the Scottish Parliament. She must tell that Parliament what she knows about that issue and everything that she knows about that issue, if not, she is holding the Parliament and the Scottish people in contempt.

Ms Davidson made a public statement on the BBC on the 18<sup>th</sup> of September in which she claimed to have knowledge of the contents of unopened ballot boxes. This is an important issue which has already involved the Scottish Police in work and expenditure. Has she just been wasting police time? She must be made to come clean.

We also believe that Mr John McTernan and Susan Dalgety have some explaining to do to the Scottish Parliament. Jim Murphy, the new Leader of Scottish Labour appointed these people to his team, so he must consider them significant and credible operators. Perhaps we can ask them to explain to the Scottish public how you can give details about the contents of ballot boxes which have not yet been opened.

This is a valuable skill indeed, in Gaelic it is called 'dà-shealladh' or 'second-sight' in Scots, but it is somewhat old hat and unscientific these days. We tend to take the view that if someone knows what the contents of a secret ballot box is before it is opened, then he/she has been involved in, or with, criminal conduct, and we demand an explanation from such people.

We believe that the Scottish Parliament should investigate the extraordinary claim that knowledge of the PB was known by members of the UK establishment before these boxes were opened. This may be a criminal matter subject to police investigation, but more important than that, it is a political matter which deals with the very essence of our political system.

We think that the issues we address in this report show that the PB at the Referendum can't be accepted as valid and therefore that the Referendum result, is not valid or acceptable to any reasonable person. However, even if you do not agree with us on that, you must surely agree that this report raises issues which need examining in greater detail at Scottish level.

If we can convince people that these issues need to be properly examined, and that the Scottish Parliament should organise such an examination, we will be satisfied because Burns was right, *"the facts will not surrender"* and they will stand in evidence against those who were involved in criminal actions against Scottish democracy.

Andy Anderson  
DSF Education Officer



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